

REMARKS

The claims have been preliminarily amended above to place them in better form for examination, and those claims which will be withdrawn based on the election made below are so designated. The claims in the application, including withdrawn claims, are claims 1-4, 6-8, 13-20, 22-67 and 136-140, filed upon entry into the national phase.

The Office Action of October 1, 2007, requires a restriction and election of species on the basis of purported lack of unity of invention under the applicable PCT Rules 13.1 and 13.2. Insofar as the restriction is concerned, the examiner holds that there are eighteen (18) separate and patentably distinct inventions. As the Applicants must make an election even if the requirement is traversed, Applicants hereby respectfully and provisionally elect invention IV which is said to include claims 1, 16-18, 54-67 and 137-140, without prejudice.

Applicants accept the holding there are patentably distinct inventions and therefore elect without traverse in that regard, but Applicants do not accept an implication of the restriction requirement, namely that Applicants may not submit a generic claim and have that generic claim fully examined without breaking such generic claim into parts. This

applies to all of Applicants' elected claims which, according to the restriction requirement, cover not only elected group IV, but other groups as well.

Insofar as the election of species requirements are concerned, Applicants hereby respectfully and provisionally elect compound 106 as the compound species, and melanoma as the disease species, without prejudice. Again, Applicant's understand that the election of species requirement is for the examiner to focus the search, and Applicants do not traverse to that extent. In other words, Applicants make this election without traverse based on the first full paragraph on page 11 of the Official Action which acknowledges that Applicants will be entitled to consideration of claims to additional species which include all features of an allowable generic claim.

The claims which read on elected compound 106 are claims 1, 16-18, 54-67 and 137-140, of which claims 1, 16, 17, 54-67 and 137-140 are generic. The claims which read on the elected disease, melanoma, are claims 1-4, 6-8, 13-20, 22-53, 55, 57, 58, 138 and 139, of which claims 1-4, 6-8, 13-20, 22-53, 55, 57, 58 and 139 are generic.

As regards the preliminary amendments made above, claims 58 and 136 have been amended, the latter now being made dependent on claim 1 so that it may be taken into

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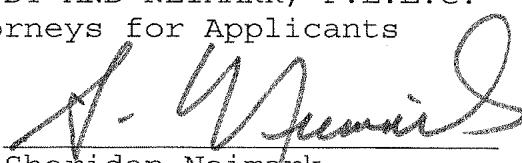
consideration in an event of a rejoinder of the method and product claims.

Applicants respectfully await the results of a first examination on the merits.

Respectfully submitted,

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